

AMENDED IN ASSEMBLY MARCH 13, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2061**

---

**Introduced by Assembly Member Norby**

February 23, 2012

---

An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 2061, as amended, Norby. Provisional driver’s licenses: restrictions: exceptions.

The Brady-Jared Teen Driver Safety Act of 1997 allows for the issuance of a driver’s license to an applicant who is at least 16 years of age but under 18 years of age pursuant to the provisional licensing program. A person licensed under ~~the act~~ *this program* is prohibited during the first 12 months after issuance of a license from driving during the hours of 11 p.m. and 5 a.m. or from transporting passengers who are under 20 years of age, unless he or she is accompanied by a licensed driver who is his or her parent or guardian, at least 25 years of age, or a certified driving instructor. The act provides that ~~a~~ *this* licensee may drive between the hours of 11 p.m. and 5 a.m. or transport an immediate family member *without being accompanied as prescribed* under certain circumstances, including the ~~schooling or school-authorized activities of the licensee, and under these circumstances requires that the licensee keep in his or her possession a signed statement from the school principal, dean, or school staff member~~ *necessity of the licensee or the licensee’s immediate family member when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is*

*necessary to transport the licensee or the licensee's immediate family member, as specified.*

~~This bill would allow a person with a provisional driver's license to transport passengers who are under 20 years of age to or from the school or school-authorized activities of the licensee. The bill would also delete the requirement that, under these circumstances, the licensee keep in his or her possession a signed statement from the school principal, dean, or school staff member.~~

*This bill would allow, under this exception, a person with a provisional driver's license to also transport others who may rely on the licensee for essential education-related transportation, including, but not limited to, school carpools.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 12814.6 of the Vehicle Code is amended
- 2     to read:
- 3     12814.6. (a) Except as provided in Section 12814.7, a driver's
- 4     license issued to a person at least 16 years of age but under 18
- 5     years of age shall be issued pursuant to the provisional licensing
- 6     program contained in this section. The program shall consist of
- 7     all of the following components:
- 8         (1) Upon application for an original license, the applicant shall
- 9         be issued an instruction permit pursuant to Section 12509. A person
- 10        who has in his or her immediate possession a valid permit issued
- 11        pursuant to Section 12509 may operate a motor vehicle, other than
- 12        a motorcycle or motorized bicycle, only when the person is either
- 13        taking the driver training instruction referred to in paragraph (3)
- 14        or practicing that instruction, provided the person is accompanied
- 15        by, and is under the immediate supervision of, a California licensed
- 16        driver 25 years of age or older whose driving privilege is not on
- 17        probation. The age requirement of this paragraph does not apply
- 18        if the licensed driver is the parent, spouse, or guardian of the
- 19        permitholder or is a licensed or certified driving instructor.
- 20        (2) The person shall hold an instruction permit for not less than
- 21        six months prior to applying for a provisional driver's license.
- 22        (3) The person shall have complied with one of the following:

1 (A) Satisfactory completion of approved courses in automobile  
2 driver education and driver training maintained pursuant to  
3 provisions of the Education Code in any secondary school of  
4 California, or equivalent instruction in a secondary school of  
5 another state.

6 (B) Satisfactory completion of an integrated driver education  
7 and training program that is approved by the department and  
8 conducted by a driving instructor licensed under Chapter 1  
9 (commencing with Section 11100) of Division 5. The program  
10 shall utilize segmented modules, whereby a portion of the  
11 educational instruction is provided by, and then reinforced through,  
12 specific behind-the-wheel training before moving to the next phase  
13 of driver education and training. The program shall contain a  
14 minimum of 30 hours of classroom instruction and six hours of  
15 behind-the-wheel training.

16 (C) Satisfactory completion of six hours or more of  
17 behind-the-wheel instruction by a driving school or an independent  
18 driving instructor licensed under Chapter 1 (commencing with  
19 Section 11100) of Division 5 and either an accredited course in  
20 automobile driver education in any secondary school of California  
21 pursuant to provisions of the Education Code or satisfactory  
22 completion of equivalent professional instruction acceptable to  
23 the department. To be acceptable to the department, the  
24 professional instruction shall meet minimum standards to be  
25 prescribed by the department, and the standards shall be at least  
26 equal to the requirements for driver education and driver training  
27 contained in the rules and regulations adopted by the State Board  
28 of Education pursuant to the Education Code. A person who has  
29 complied with this subdivision shall not be required by the  
30 governing board of a school district to comply with subparagraph  
31 (A) in order to graduate from high school.

32 (D) Except as provided under subparagraph (B), a student may  
33 not take driver training instruction, unless he or she has  
34 successfully completed driver education.

35 (4) The person shall complete 50 hours of supervised driving  
36 practice prior to the issuance of a provisional license, which is in  
37 addition to any other driver training instruction required by law.  
38 Not less than 10 of the required practice hours shall include driving  
39 during darkness, as defined in Section 280. Upon application for  
40 a provisional license, the person shall submit to the department

1 the certification of a parent, spouse, guardian, or licensed or  
2 certified driving instructor that the applicant has completed the  
3 required amount of driving practice and is prepared to take the  
4 department's driving test. A person without a parent, spouse,  
5 guardian, or who is an emancipated minor, may have a licensed  
6 driver 25 years of age or older or a licensed or certified driving  
7 instructor complete the certification. This requirement does not  
8 apply to motorcycle practice.

9 (5) The person shall successfully complete an examination  
10 required by the department. Before retaking a test, the person shall  
11 wait for not less than one week after failure of the written test and  
12 for not less than two weeks after failure of the driving test.

13 (b) Except as provided in Section 12814.7, the provisional  
14 driver's license shall be subject to all of the following restrictions:

15 (1) Except as specified in paragraph (2), during the first 12  
16 months after issuance of a provisional license the licensee may  
17 not do any of the following unless accompanied and supervised  
18 by a licensed driver who is the licensee's parent or guardian, a  
19 licensed driver who is 25 years of age or older, or a licensed or  
20 certified driving instructor:

21 (A) Drive between the hours of 11 p.m. and 5 a.m.

22 (B) Transport passengers who are under 20 years of age.

23 (2) A licensee may drive between the hours of 11 p.m. and 5  
24 a.m. or transport an immediate family member without being  
25 accompanied and supervised by a licensed driver who is the  
26 licensee's parent or guardian, a licensed driver who is 25 years of  
27 age or older, or a licensed or certified driving instructor, in the  
28 following circumstances:

29 (A) Medical necessity of the licensee when reasonable  
30 transportation facilities are inadequate and operation of a vehicle  
31 by a minor is necessary. The licensee shall keep in his or her  
32 possession a signed statement from a physician familiar with the  
33 condition, containing a diagnosis and probable date when sufficient  
34 recovery will have been made to terminate the necessity.

35 (B) Schooling or school-authorized activities of the licensee  
36 when reasonable transportation facilities are inadequate and  
37 operation of a vehicle by a minor is necessary. ~~Under these~~  
38 ~~circumstances, the licensee may transport a passenger who is under~~  
39 ~~20 years of age without being accompanied and supervised by a~~  
40 ~~licensed driver who is the licensee's parent or guardian, a licensed~~

1 ~~driver who is 25 years of age or older, or a licensed or certified~~  
2 ~~driving instructor. The licensee shall keep in his or her possession~~  
3 ~~a signed statement from the school principal, dean, or school staff~~  
4 ~~member designated by the principal or dean, containing a probable~~  
5 ~~date that the schooling or school-authorized activity will have~~  
6 ~~been completed.~~

7 (C) Employment necessity of the licensee when reasonable  
8 transportation facilities are inadequate and operation of a vehicle  
9 by a minor is necessary. The licensee shall keep in his or her  
10 possession a signed statement from the employer, verifying  
11 employment and containing a probable date that the employment  
12 will have been completed.

13 (D) Necessity of the licensee or the licensee's immediate family  
14 member when reasonable transportation facilities are inadequate  
15 and operation of a vehicle by a minor is necessary to transport the  
16 licensee or the licensee's immediate family member, *or others*  
17 *who may rely on the licensee for essential education-related*  
18 *transportation, including, but not limited to, school carpools.* The  
19 licensee shall keep in his or her possession a signed statement from  
20 a parent or legal guardian verifying the reason and containing a  
21 probable date that the necessity will have ceased.

22 (E) The licensee is an emancipated minor.

23 (c) A law enforcement officer shall not stop a vehicle for the  
24 sole purpose of determining whether the driver is in violation of  
25 the restrictions imposed under subdivision (b).

26 (d) A law enforcement officer shall not stop a vehicle for the  
27 sole purpose of determining whether a driver who is subject to the  
28 license restrictions in subdivision (b) is in violation of Article 2.5  
29 (commencing with Section 118947) of Chapter 4 of Part 15 of  
30 Division 104 of the Health and Safety Code.

31 (e) (1) Upon a finding that any licensee has violated paragraph  
32 (1) of subdivision (b), the court shall impose one of the following:

33 (A) Not less than eight hours nor more than 16 hours of  
34 community service for a first offense and not less than 16 hours  
35 nor more than 24 hours of community service for a second or  
36 subsequent offense.

37 (B) A fine of not more than thirty-five dollars (\$35) for a first  
38 offense and a fine of not more than fifty dollars (\$50) for a second  
39 or subsequent offense.

1 (2) If the court orders community service, the court shall retain  
2 jurisdiction until the hours of community service have been  
3 completed.

4 (3) If the hours of community service have not been completed  
5 within 90 days, the court shall impose a fine of not more than  
6 thirty-five dollars (\$35) for a first offense and not more than fifty  
7 dollars (\$50) for a second or subsequent offense.

8 (f) A conviction of paragraph (1) of subdivision (b), when  
9 reported to the department, may not be disclosed as otherwise  
10 specified in Section 1808 or constitute a violation point count value  
11 pursuant to Section 12810.

12 (g) Any term of restriction or suspension of the driving privilege  
13 imposed on a person pursuant to this subdivision shall remain in  
14 effect until the end of the term even though the person becomes  
15 18 years of age before the term ends.

16 (1) The driving privilege shall be suspended when the record  
17 of the person shows one or more notifications issued pursuant to  
18 Section 40509 or 40509.5. The suspension shall continue until any  
19 notification issued pursuant to Section 40509 or 40509.5 has been  
20 cleared.

21 (2) A 30-day restriction shall be imposed when a driver's record  
22 shows a violation point count of two or more points in 12 months,  
23 as determined in accordance with Section 12810. The restriction  
24 shall require the licensee to be accompanied by a licensed parent,  
25 spouse, guardian, or other licensed driver 25 years of age or older,  
26 except when operating a class M vehicle, or so licensed, with no  
27 passengers aboard.

28 (3) A six-month suspension of the driving privilege and a  
29 one-year term of probation shall be imposed whenever a licensee's  
30 record shows a violation point count of three or more points in 12  
31 months, as determined in accordance with Section 12810. The  
32 terms and conditions of probation shall include, but not be limited  
33 to, both of the following:

34 (A) The person shall violate no law which, if resulting in  
35 conviction, is reportable to the department under Section 1803.

36 (B) The person shall remain free from accident responsibility.

37 (h) Whenever action by the department under subdivision (g)  
38 arises as a result of a motor vehicle accident, the person may, in  
39 writing and within 10 days, demand a hearing to present evidence  
40 that he or she was not responsible for the accident upon which the

1 action is based. Whenever action by the department is based upon  
2 a conviction reportable to the department under Section 1803, the  
3 person has no right to a hearing pursuant to Article 3 (commencing  
4 with Section 14100) of Chapter 3.

5 (i) The department shall require a person whose driving privilege  
6 is suspended or revoked pursuant to subdivision (g) to submit proof  
7 of financial responsibility as defined in Section 16430. The proof  
8 of financial responsibility shall be filed on or before the date of  
9 reinstatement following the suspension or revocation. The proof  
10 of financial responsibility shall be maintained with the department  
11 for three years following the date of reinstatement.

12 (j) (1) Notwithstanding any other provision of this code, the  
13 department may issue a distinctive driver's license, that displays  
14 a distinctive color or a distinctively colored stripe or other  
15 distinguishing characteristic, to persons at least 16 years of age  
16 and older but under 18 years of age, and to persons 18 years of  
17 age and older but under 21 years of age, so that the distinctive  
18 license feature is immediately recognizable. The features shall  
19 clearly differentiate between driver's licenses issued to persons at  
20 least 16 years of age or older but under 18 years of age and to  
21 persons 18 years of age or older but under 21 years of age.

22 (2) If changes in the format or appearance of driver's licenses  
23 are adopted pursuant to this subdivision, those changes may be  
24 implemented under any new contract for the production of driver's  
25 licenses entered into after the adoption of those changes.

26 (k) The department shall include, on the face of the provisional  
27 driver's license, the original issuance date of the provisional  
28 driver's license in addition to any other issuance date.

29 (l) This section shall be known and may be cited as the  
30 Brady-Jared Teen Driver Safety Act of 1997.